

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 023533/0102

In re patent application of

Cesar M. Compadre *et al.*

Filed: April 14, 1997

Serial No. 08/840,288

Group Art Unit: 1731

Batch No.: W03

Examiner: Chin, P.

For: METHOD FOR THE BROAD SPECTRUM PREVENTION AND REMOVAL OF
MICROBIAL CONTAMINATION OF FOOD PRODUCTS BY QUATERNARY
AMMONIUM COMPOUNDS

COMBINED PETITION, CERTIFICATION
AND INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97

The Honorable Assistant Secretary and
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Submitted herewith on a modified Form PTO-1449 is the listing of a document known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of the listed document is being submitted to comply with the provisions of 37 CFR §1.97-1.98.

The submission of the document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being filed after the notice of allowance under 37 CFR §1.311 but before payment of the issue fee. Accordingly, pursuant to 37 CFR §1.97(d), a certification, petition and fee are required.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 CFR §1.97(e)(2) that the document cited in this Information Disclosure Statement was not cited in a communication from a foreign patent office in a counterpart foreign application, or to my knowledge, after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this Statement.

PETITION and FEE

It is hereby respectfully petitioned that the listed document be considered by the Examiner and formally made of record. Please charge the petition fee in the amount of \$130.00 in accordance with 37 CFR §1.17(i) to Deposit Account No. 19-0741.

RELEVANCE OF EACH DOCUMENT

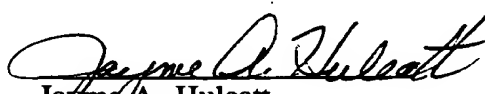
The document listed on the attached PTO-1449 discloses the use of quaternary ammonium compounds as sanitizing agents. This document does not specify any particular quaternary ammonium compound that prevents the growth of microorganisms on seafood, vegetables and fruit. The claims are limited to alkylpyridinium salts, tetra-alkylammonium salts and alkylalicyclic ammonium salts with recited structures, and these species of quaternary ammonium compounds are not disclosed by the document. The document discloses the use of quaternary ammonium compounds for direct sanitization of equipment, utensils, walls and floors. This is an example of the surfactant effect of the quaternary ammonium compounds. The document does disclose washing tomatoes and cucumbers with quaternary ammonium compounds but no specific groups of quaternary ammonium compounds are cited as being useful for this purpose. The document also does not substantiate the results of such washing in regard to whether microbial contamination was prevented.

Serial No. 08/840,288

Applicants respectfully request that this listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

Respectfully submitted,

September 24, 1999
Date


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